

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Manuel Martinez; David Cortes; Elkin Casadiego;
Victor Manuel Cervera; Roberto Salazar; Hernan
Quiroz; Diana Cardenas; Javier Campoverde; and,
Wilfredo Ramos Ortiz,

Plaintiffs,

-against-

Infrastructure Development Specialists, Inc.; Jose
Mauricio Ruiz; Liliana Garcia; Boris Gonzalez; and,
Martha Gonzalez,

Defendants.

Case No. 1:22-cv-4833(ENV)(MMH)

ANSWER

Defendants Infrastructure Development Specialists, Inc. (“IDS”); Jose Mauricio Ruiz; Boris Gonzalez; and Martha Gonzalez (collectively, “Defendants”), by their attorneys Denlea & Carton LLP, hereby answer the Complaint of plaintiffs Manuel Martinez; David Cortes; Elkin Casadiego; Victor Manuel Cervera; Roberto Salazar; Hernan Quiroz; Diana Cardenas; Javier Campoverde; and Wilfredo Ramos Ortiz (collectively, “Plaintiffs”).

NATURE OF THE ACTION

1. Paragraph 1 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 1 of the Complaint.

2. Paragraph 2 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 2 of the Complaint.

3. Paragraph 3 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 3 of the Complaint.

4. Paragraph 4 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 4 of the Complaint.

JURISDICTION

5. Paragraph 5 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. Nonetheless, Defendants do not challenge subject matter jurisdiction in this matter.

6. Paragraph 6 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. Nonetheless, Defendants do not challenge venue in this matter.

PARTIES

7. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. Defendants deny the allegations contained in Paragraph 8 of the Complaint, except admit that IDS is a domestic corporation with its principal place of business at 351 Hempstead Turnpike, Elmont, New York.

9. Defendants deny the allegations contained in Paragraph 9 of the Complaint.

10. Defendants deny the allegations contained in Paragraph 10 of the Complaint.

11. Defendants deny the allegations contained in Paragraph 11 of the Complaint.

12. Defendants deny the allegations contained in Paragraph 12 of the Complaint.

13. Defendants admit the allegations contained in Paragraph 13 of the Complaint.

14. Defendants deny the allegations contained in Paragraph 14 of the Complaint.

15. Defendants deny the allegations contained in Paragraph 15 of the Complaint.
16. Defendants deny the allegations contained in Paragraph 16 of the Complaint.
17. Defendants deny the allegations contained in Paragraph 17 of the Complaint.
18. Defendants deny the allegations contained in Paragraph 18 of the Complaint.
19. Defendants deny the allegations contained in Paragraph 19 of the Complaint.
20. Defendants deny the allegations contained in Paragraph 20 of the Complaint.
21. Paragraph 21 of the Complaint contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 21 of the Complaint.

STATEMENT OF FACTS

22. Defendants deny the allegations contained in Paragraph 22 of the Complaint.
23. Defendants deny the allegations contained in Paragraph 23 of the Complaint.
24. Defendants deny the allegations contained in Paragraph 24 of the Complaint.
25. Defendants deny the allegations contained in Paragraph 25 of the Complaint.
26. Defendants deny the allegations contained in Paragraph 26 of the Complaint.
27. Defendants deny the allegations contained in Paragraph 27 of the Complaint.
28. Defendants deny the allegations contained in Paragraph 28 of the Complaint.
29. Defendants deny the allegations contained in Paragraph 29 of the Complaint.
30. Defendants deny the allegations contained in Paragraph 30 of the Complaint.
31. Defendants deny the allegations contained in Paragraph 31 of the Complaint.
32. Defendants deny the allegations contained in Paragraph 32 of the Complaint.
33. Defendants deny the allegations contained in Paragraph 33 of the Complaint.
34. Defendants deny the allegations contained in Paragraph 24 of the Complaint.
35. Defendants deny the allegations contained in Paragraph 35 of the Complaint.

36. Defendants deny the allegations contained in Paragraph 36 of the Complaint.
37. Defendants deny the allegations contained in Paragraph 37 of the Complaint.
38. Defendants deny the allegations contained in Paragraph 38 of the Complaint.
39. Defendants deny the allegations contained in Paragraph 39 of the Complaint.
40. Defendants deny the allegations contained in Paragraph 40 of the Complaint.
41. Defendants deny the allegations contained in Paragraph 41 of the Complaint.
42. Defendants deny the allegations contained in Paragraph 42 of the Complaint.
43. Defendants deny the allegations contained in Paragraph 43 of the Complaint.
44. Defendants deny the allegations contained in Paragraph 44 of the Complaint.
45. Defendants deny the allegations contained in Paragraph 45 of the Complaint.
46. Defendants deny the allegations contained in Paragraph 46 of the Complaint.
47. Defendants deny the allegations contained in Paragraph 47 of the Complaint.
48. Defendants deny the allegations contained in Paragraph 48 of the Complaint.
49. Defendants deny the allegations contained in Paragraph 49 of the Complaint.
50. Defendants deny the allegations contained in Paragraph 50 of the Complaint.
51. Defendants deny the allegations contained in Paragraph 51 of the Complaint.
52. Defendants deny the allegations contained in Paragraph 52 of the Complaint.
53. Defendants deny the allegations contained in Paragraph 53 of the Complaint.
54. Defendants deny the allegations contained in Paragraph 54 of the Complaint.
55. Defendants deny the allegations contained in Paragraph 55 of the Complaint.
56. Defendants deny the allegations contained in Paragraph 56 of the Complaint.
57. Defendants deny the allegations contained in Paragraph 57 of the Complaint.
58. Defendants deny the allegations contained in Paragraph 58 of the Complaint.

59. Defendants deny the allegations contained in Paragraph 59 of the Complaint.
60. Defendants deny the allegations contained in Paragraph 60 of the Complaint.
61. Defendants deny the allegations contained in Paragraph 61 of the Complaint.
62. Defendants deny the allegations contained in Paragraph 62 of the Complaint.
63. Defendants deny the allegations contained in Paragraph 63 of the Complaint.
64. Defendants deny the allegations contained in Paragraph 64 of the Complaint.
65. Defendants deny the allegations contained in Paragraph 65 of the Complaint.
66. Defendants deny the allegations contained in Paragraph 66 of the Complaint.
67. Defendants deny the allegations contained in Paragraph 67 of the Complaint.
68. Defendants deny the allegations contained in Paragraph 68 of the Complaint.
69. Defendants deny the allegations contained in Paragraph 69 of the Complaint.
70. Defendants deny the allegations contained in Paragraph 70 of the Complaint.
71. Defendants deny the allegations contained in Paragraph 71 of the Complaint.
72. Defendants deny the allegations contained in Paragraph 72 of the Complaint.
73. Defendants deny the allegations contained in Paragraph 73 of the Complaint.
74. Defendants deny the allegations contained in Paragraph 74 of the Complaint.
75. Defendants deny the allegations contained in Paragraph 75 of the Complaint.
76. Defendants deny the allegations contained in Paragraph 76 of the Complaint.
77. Defendants deny the allegations contained in Paragraph 77 of the Complaint.
78. Defendants deny the allegations contained in Paragraph 78 of the Complaint.
79. Defendants deny the allegations contained in Paragraph 79 of the Complaint.
80. Defendants deny the allegations contained in Paragraph 80 of the Complaint.
81. Defendants deny the allegations contained in Paragraph 81 of the Complaint.

82. Defendants deny the allegations contained in Paragraph 82 of the Complaint.
83. Defendants deny the allegations contained in Paragraph 83 of the Complaint.
84. Defendants deny the allegations contained in Paragraph 84 of the Complaint.
85. Defendants deny the allegations contained in Paragraph 85 of the Complaint.
86. Defendants deny the allegations contained in Paragraph 86 of the Complaint.
87. Defendants deny the allegations contained in Paragraph 87 of the Complaint.
88. Defendants deny the allegations contained in Paragraph 88 of the Complaint.
89. Defendants deny the allegations contained in Paragraph 89 of the Complaint.
90. Defendants deny the allegations contained in Paragraph 90 of the Complaint.
91. Defendants deny the allegations contained in Paragraph 91 of the Complaint.
92. Defendants deny the allegations contained in Paragraph 92 of the Complaint.
93. Defendants deny the allegations contained in Paragraph 93 of the Complaint.
94. Defendants deny the allegations contained in Paragraph 94 of the Complaint.
95. Defendants deny the allegations contained in Paragraph 95 of the Complaint.
96. Defendants deny the allegations contained in Paragraph 96 of the Complaint.
97. Defendants deny the allegations contained in Paragraph 97 of the Complaint.
98. Defendants deny the allegations contained in Paragraph 98 of the Complaint.
99. Defendants deny the allegations contained in Paragraph 99 of the Complaint.
100. Defendants deny the allegations contained in Paragraph 100 of the Complaint.

STATEMENT OF CLAIM

AS AND FOR AN ANSWER TO COUNT I

101. Defendants repeat and reallege each and every response to Paragraph 1 through 100 of the Complaint as if fully set forth herein.

102. Defendants deny the allegations contained in Paragraph 102 of the Complaint.

- 103. Defendants deny the allegations contained in Paragraph 103 of the Complaint.
- 104. Defendants deny the allegations contained in Paragraph 104 of the Complaint.
- 105. Defendants deny the allegations contained in Paragraph 105 of the Complaint.
- 106. Defendants deny the allegations contained in Paragraph 106 of the Complaint.
- 107. Defendants deny the allegations contained in Paragraph 107 of the Complaint.
- 108. Defendants deny the allegations contained in Paragraph 108 of the Complaint.
- 109. Defendants deny the allegations contained in Paragraph 109 of the Complaint.
- 110. Defendants deny the allegations contained in Paragraph 110 of the Complaint.
- 111. Defendants deny the allegations contained in Paragraph 111 of the Complaint.
- 112. Defendants deny the allegations contained in Paragraph 112 of the Complaint.
- 113. Defendants deny the allegations contained in Paragraph 113 of the Complaint.
- 114. Defendants deny the allegations contained in Paragraph 114 of the Complaint.
- 115. Defendants deny the allegations contained in Paragraph 115 of the Complaint.
- 116. Defendants deny the allegations contained in Paragraph 116 of the Complaint.

AS AND FOR AN ANSWER TO COUNT II

117. Defendants repeat and reallege each and every response to Paragraph 1 through 116 of the Complaint as if fully set forth herein.

- 118. Defendants deny the allegations contained in Paragraph 118 of the Complaint.
- 119. Defendants deny the allegations contained in Paragraph 119 of the Complaint.
- 120. Defendants deny the allegations contained in Paragraph 120 of the Complaint.
- 121. Defendants deny the allegations contained in Paragraph 121 of the Complaint.
- 122. Defendants deny the allegations contained in Paragraph 122 of the Complaint.
- 123. Defendants deny the allegations contained in Paragraph 123 of the Complaint.
- 124. Defendants deny the allegations contained in Paragraph 124 of the Complaint.

125. Defendants deny the allegations contained in Paragraph 125 of the Complaint.

126. Defendants deny the allegations contained in Paragraph 126 of the Complaint.

127. Defendants deny the allegations contained in Paragraph 127 of the Complaint.

128. Defendants deny the allegations contained in Paragraph 128 of the Complaint.

129. Defendants deny the allegations contained in Paragraph 129 of the Complaint.

130. Defendants deny the allegations contained in Paragraph 130 of the Complaint.

AS AND FOR AN ANSWER TO COUNT III

131. Defendants repeat and reallege each and every response to Paragraph 1 through 130 of the Complaint as if fully set forth herein.

132. Defendants deny the allegations contained in Paragraph 132 of the Complaint.

133. Defendants deny the allegations contained in Paragraph 133 of the Complaint.

134. Defendants deny the allegations contained in Paragraph 134 of the Complaint.

135. Defendants deny the allegations contained in Paragraph 135 of the Complaint.

136. Defendants deny the allegations contained in Paragraph 136 of the Complaint.

137. Defendants deny the allegations contained in Paragraph 137 of the Complaint.

AS AND FOR AN ANSWER TO COUNT IV

138. Defendants repeat and reallege each and every response to Paragraph 1 through 137 of the Complaint as if fully set forth herein.

139. Defendants deny the allegations contained in Paragraph 139 of the Complaint.

140. Defendants deny the allegations contained in Paragraph 140 of the Complaint.

141. Defendants deny the allegations contained in Paragraph 141 of the Complaint.

142. Defendants deny the allegations contained in Paragraph 142 of the Complaint.

AS AND FOR AN ANSWER TO COUNT V

143. Defendants repeat and reallege each and every response to Paragraph 1 through 142 of the Complaint as if fully set forth herein.

144. Defendants deny the allegations contained in Paragraph 144 of the Complaint.

145. Defendants deny the allegations contained in Paragraph 145 of the Complaint.

AS AND FOR AN ANSWER TO COUNT VI

146. Defendants repeat and reallege each and every response to Paragraph 1 through 145 of the Complaint as if fully set forth herein.

147. Defendants deny the allegations contained in Paragraph 147 of the Complaint.

148. Defendants deny the allegations contained in Paragraph 148 of the Complaint.

149. Defendants deny the allegations contained in Paragraph 149 of the Complaint.

AFFIRMATIVE DEFENSES

1. The Complaint fails to set forth a claim upon which relief may be granted against Defendants.

2. Plaintiffs consented to all conduct alleged in the Complaint.

3. At all times, Defendants acted in good faith under the law and their violations of the law, if any, were not willful.

4. Defendants had reasonable grounds for believing their actions complied with the law.

5. Plaintiffs failed to report all their hours worked to Defendants.

6. Plaintiffs' claims are barred to the extent Defendants lacked actual or constructive notice of the hours they worked.

7. Plaintiffs' claims are barred by the applicable statute of limitations.

8. Plaintiffs failed to comply with Defendants' pay practices policies.
9. Defendants have no knowledge of, nor should they have had knowledge of, any alleged uncompensated work by Plaintiffs, and Defendants did not authorize, require, request, suffer, or permit such activity by Plaintiffs.
10. Plaintiffs' claims are in whole or in part *de minimis*.
11. Plaintiffs were independent contractors and not employees.
12. The Complaint, and each cause of action thereof, is barred – or the damages flowing there from reduced – because Plaintiffs failed to notify Defendants of the alleged statutory violations at the time such violations allegedly occurred, which prevented Defendants from taking any action to remedy such alleged violations.
13. Plaintiffs failed to take any preventative or corrective actions to otherwise avoid harm.
14. Plaintiffs failed to mitigate their damages.
15. Defendants assert the defenses of acquiescence and/or ratification.
16. Plaintiffs were exempt employees under the applicable law.
17. Plaintiffs' claims are barred under the doctrines of waiver, estoppel, unclean hands and laches.
18. Plaintiffs breached their agreements with Defendants or otherwise failed to perform their obligations.
19. Defendants reserve the right to assert further defenses as they become apparent through discovery and inspection.

JURY TRIAL DEMAND

Defendants demand a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully request that the Court enter judgment dismissing the Complaint with prejudice and awarding Defendants their costs and fees incurred in this action, and such other and further relief as the Court deems just and proper.

Dated: October 14, 2022
White Plains, New York

DENLEA & CARTON LLP

By: _____



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